

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed October 31, 2005. Upon entry of the amendments in this response, claims 1 – 38 and 48 – 58 remain pending. In particular, Applicants amend claims 1 and 48. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. **Claims 1 – 8, 11, 14 – 17, 20, 24 – 38, and 48 – 58 are Patentable over *Bowman-Amuah* in View of *Tunnickliffe***

A. **Claim 1 is Patentable Over *Bowman-Amuah* in View of *Tunnickliffe***

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Patent Number 6,542,593 (“*Bowman-Amuah*”) in view of U.S. Patent Number 6,272,110 (“*Tunnickliffe*”). Applicants respectfully traverse this rejection for at least the reason that *Bowman-Amuah* in view of *Tunnickliffe* fails to disclose, teach, or suggest all of the elements of claim 1, as amended. More specifically, claim 1, as amended, recites:

A method of providing network access across a shared communications medium between competing users pursuant to service level agreements (SLAs) of the users, comprising the steps of:

- (a) monitoring network access usage by each user during a time interval;
- (b) comparing said monitored network access usage by each user with a predetermined threshold value;
- (c) in response to comparing, determining at least one candidate for modification of an SLA;
- (d) *filtering at least one candidate against a list of candidates for which a solicitation is not to be made; and*
- (e) *soliciting at least one filtered candidate to modify an SLA related to that candidate. (emphasis added)*

Applicants respectfully submit that the cited art fails to disclose, teach, or suggest a “method of providing network access across a shared communications medium between competing

users pursuant to service level agreements (SLAs) of the users, comprising the steps of... ***filtering at least one candidate against a list of candidates for which a solicitation is not to be made...*** [and] ***soliciting at least one filtered candidate to modify an SLA related to that candidate***” as recited in claim 1, as amended. For at least this reason, claim 1, as amended is allowable over the cited art.

B. Claim 48 is Patentable Over Bowman-Amuah in View of Tunncliffe

The Office Action indicates that claim 48 stands rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Patent Number 6,542,593 (“Bowman-Amuah”) in view of U.S. Patent Number 6,272,110 (“Tunncliffe”). Applicants respectfully traverse this rejection for at least the reason that *Bowman-Amuah* in view of *Tunncliffe* fails to disclose, teach, or suggest all of the elements of claim 48, as amended. More specifically, claim 48, as amended, recites:

A method of providing network access across a shared communications medium between competing users pursuant to service level agreements (SLAs) of the users, comprising the steps of:

monitoring network access usage by each user for respective predetermined past time intervals;

identifying a recurrent period of high network access usage of a user based on said monitoring;

determining at least one candidate for modification of an SLA;

filtering at least one candidate against a list of candidates for which a solicitation is not to be made; and

soliciting at least one filtered candidate to modify an SLA associated with that filtered candidate to guarantee a minimum level of network access during an anticipated future recurrent period of high network access usage. (emphasis added)

Applicants respectfully submit that the cited art fails to disclose, teach, or suggest a “method of providing network access across a shared communications medium between competing users pursuant to service level agreements (SLAs) of the users, comprising the steps of... ***filtering at least one candidate against a list of candidates for which a solicitation is not***

to be made ... [and] soliciting at least one filtered candidate to modify an SLA associated with that filtered candidate to guarantee a minimum level of network access during an anticipated future recurrent period of high network access usage” as recited in claim 48, as amended. For at least this reason, claim 48, as amended is allowable over the cited art.

C. Claims 2 – 8, 11, 14 – 17, 20, 24 – 38, and 49 – 58 are Patentable over *Bowman-Amuah* in View of *Tunnicliffe*

In addition, dependent claims 2 – 8, 11, 14 – 17, 20, and 24 – 38 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. Dependent claims 49 – 58 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 48. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

II. Claims 9 – 10, 12 – 13, and 21 – 23 are Patentable Over *Bowman-Amuah* in View of *Tunnicliffe*, Further in View of *Williams*

The Office Action indicates that claims 9 – 10, 12 – 13 and 21 – 23 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Bowman-Amuah* in view of *Tunnicliffe*, and further in view of U.S. Patent Number 5,867,764 (“*Williams*”). Applicants respectfully traverse this rejection for at least the reason that *Bowman-Amuah* in view of *Tunnicliffe*, and further in view of *Williams* fails to disclose, teach, or suggest all of the elements of claim 9 – 10, 12 – 13 and 21 – 23. More specifically, dependent claims 9 – 10, 12 – 13, and 21 – 23 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

III. Claims 18 – 19 are is Patentable Over *Bowman-Amuah* in View of *Tnnicliffe*, Further in View of *Natarajan*

The Office Action indicates that claims 18 – 19 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Bowman-Amuah* in view of *Tunnicliffe*, and further in view of U.S. Patent Number 6,577,597 (“*Natarajan*”). Applicants respectfully traverse this rejection for at least the reason that *Bowman-Amuah* in view of *Tunnicliffe*, and further in view of *Natarajan* fails to disclose, teach, or suggest all of the elements of claim 18 – 19. More specifically dependent claims 18 – 19 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

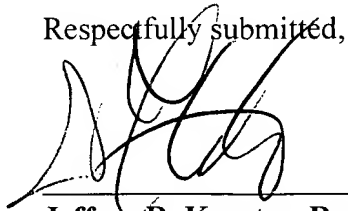
CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Further, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JK', is written over a horizontal line.

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